



**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, November 19, 2018**

OPEN SESSION

(All times are approximate and subject to change.)
http://www.cdcr.ca.gov/BOPH/meeting_agenda.html

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: 1:00 p.m.

AGENDA

MEETING CALLED TO ORDER

1. Roll Call

CONSENT CALENDAR

2. Approval of the Draft Minutes from the October 15 – 18, 2018 Board of Parole Hearings Executive Board Meeting
3. Approval of the Parole Suitability Hearings and Backlog Report for November 2018
4. Approval of Motions for Hearings with Procedural Errors – No motions to consider
5. Public Comment on Consent Calendar – Comments are limited to five minutes. Items on the consent calendar are considered routine and non-controversial. All matters are approved by one motion unless a Board Member requests separate action.

REPORTS

6. Report from Executive Officer
 - Parole Consideration for Indeterminately-Sentenced Nonviolent Offenders
 - Update on Emergency Regulations, Petition to Advance and Administrative Review
7. Report from Chief Counsel
 - *In re Palmer* (2018) 27 Cal.App.5th 120
8. Report from Chief Deputy of Field Operations
 - Update on the Nonviolent Parole Process

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

9. Report from Chief Psychologist, Forensic Assessment Division

- Outreach

PRESENTATIONS

10. Youth Offender Regulations, Presented by Jennifer Neill, Chief Counsel, Board of Parole Hearings

11. Engaging Survivors; Opportunities and Responsibilities, Presented by Javier Stauring, Executive Director of Healing Dialogue and Action, Noelle Swan Gilbert, Restorative Justice Practitioner, Joshua Gunner Jonson, Victim-Offender Dialogue Participant, and Kyla Wyatt, USC Post-Conviction Justice Project

OPEN COMMENTS

12. BPH Commissioners – Agenda Items for Future Meetings

13. Public Comment – Comments are limited to five minutes. The public may comment on any item related to Board business. However, the Board will not consider comments about future parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

MEETING RECESSED TO TUESDAY, NOVEMBER 20, 2018

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.



**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Monday, November 19, 2018**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: Upon recess of public session

DISCUSSION

Overview of Facts and Circumstances with Significant Exposure to Litigation

Pursuant to Government Code section 11126(e)(2)(B)(i)

(For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist: A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.)

Issues:

1. Structured Decision Making, Presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel
2. Workload Projections, Presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issues:

1. *Tony Rackauckas, et al. v. State of California, et al.*, Orange County Superior Court, Case No. 30-2018-00985610-CU-WM-CJC, Presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel
2. *In re Thurston*, Los Angeles County Superior Court, Case No. BH011637; *In re Denize*, Santa Clara County Superior Court, Case No. 179647; *In re Acosta*, Orange County Superior Court, Case No. M-17428 X A, Presented by Jennifer Neill, Chief Counsel

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.



**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, November 20, 2018**

CLOSED SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Conference Room
Sacramento, California 95814

START TIME: 9:00 a.m.

DISCUSSION

Overview of Pending Litigation and Writs of Habeas Corpus

Pursuant to Government Code section 11126(e)(1)

(Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation.)

Issues:

1. *Coleman/Plata v. Brown* (*Coleman v. Brown*, No. 2:90-cv-0520-KJM DAD (E.D. Cal), and *Plata v. Brown*, No. C01-1351 TEH (N.D. Cal.), Presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel
2. *Armstrong v. Brown* (*N.D. Cal., Case No. C-94-2307-CW*)(*pending*), Presented by Jennifer Shaffer, Executive Officer, and Jennifer Neill, Chief Counsel

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.



**BOARD OF PAROLE HEARINGS
Executive Board Meeting
Tuesday, November 20, 2018**

OPEN SESSION

(All times are approximate and subject to change.)

1515 K Street
Executive Board Meeting Room
Suite 550
Sacramento, California 95814

START TIME: 10:00 a.m.

AGENDA

MEETING RECONVENED (Continued from November 19, 2018)

14. Roll Call

EN BANC REFERRALS

15. Referral by the Governor pursuant to Penal Code section 4802 to review a pardon application. Members of the public may address the Board for a period not to exceed five (5) minutes.

A. LINN, TAMMY **N-13771**
Sentencing Court:
Sacramento

B. O'KEITH, MARLON **D-27280**
Sentencing Court:
Los Angeles

C. VASQUEZ, ELIZABETH **X-30743**
Sentencing Court:
San Mateo

16. Referral pursuant to Penal Code section 1170(e) to determine eligibility for recommendation to sentencing court for recall of sentence. Members of the public may address the Board for a period not to exceed five (5) minutes.

D. DARDEN, GERALDINE **W-81216**
Sentencing Court:
Alameda

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.

parole hearings. Those comments should be sent to the prison where the inmate is housed so that they can be considered by the panel assigned to the case.

The decisions in the above hearings will be posted as soon as they are finalized in the lobby on the ground floor of 1515 K Street. They will also be posted within 24 hours on the BPH internet page at the following address: www.cdcr.ca.gov/BOPH/enbanc.html.

CLOSED SESSION – EN BANC REFERRALS

Pursuant to Government Code section 11126(c)(4)

("...[N]or shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion nor consideration is expressly prohibited by statute.")

ADJOURNMENT

For disability related accommodations, please contact the BPH Americans with Disabilities Act Coordinators at (916) 445-6631 or (916) 323-7997, at least five (5) working days prior to the scheduled meeting. All persons and property entering into this facility may be subject to search. No unauthorized weapons are allowed pursuant to Penal Code Section 171b.